

Neel Chatterjee (SBN 173985)
nchatterjee@goodwinlaw.com

James Lin (SBN 310440)
jlin@goodwinlaw.com

GOODWIN PROCTER LLP
135 Commonwealth Drive
Menlo Park, California 94025
Tel.: +1 650 752 3100
Fax.: +1 650 853 1038

Brett Schuman (SBN 189247)
bschuman@goodwinlaw.com

Shane Brun (SBN 179079)
sbrun@goodwinlaw.com

Rachel M. Walsh (SBN 250568)
rwalsh@goodwinlaw.com

Hayes P. Hyde (SBN 308031)
hhyde@goodwinlaw.com

GOODWIN PROCTER LLP
Three Embarcadero Center
San Francisco, California 94111
Tel.: +1 415 733 6000
Fax.: +1 415 677 9041

Hong-An Vu (SBN 266268)
hvu@goodwinlaw.com

GOODWIN PROCTER LLP
601 S. Figueroa Street, 41st Floor
Los Angeles, California 90017
Tel.: +1 213 426 2500
Fax.: +1 213 623 1673

Attorneys for Defendant: Otto Trucking LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

Waymo LLC,

Plaintiff,

v.

Uber Technologies, Inc.; Ottomotto LLC; Otto
Trucking LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**AMENDED DECLARATION OF NEEL
CHATTERJEE IN SUPPORT OF
DEFENDANT OTTO TRUCKING LLC'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF ITS
MOTION FOR A SEPARATE TRIAL**

Courtroom: 8, 19th Floor
Judge: Hon. William Alsup

Filed/Lodged Concurrently with:

1. Admin. Mot. to File Documents Under Seal
2. [Proposed] Order
3. Redacted/Unredacted Versions
4. Proof of Service

I, Neel Chatterjee, declare as follows:

1. I am a partner at the law firm of Goodwin Procter LLP, counsel of record for Defendant Otto Trucking LLC (“Otto Trucking”). I make this amended declaration based upon matters within my own personal knowledge and if called as a witness, I could and would competently testify to the matters set forth herein. I make this declaration in support of Defendant Otto Trucking’s Administrative Motion to File Under Seal Portions of Otto Trucking’s Motion for a Separate Trial (the “Administrative Motion”).

2. I have reviewed the following documents and confirmed that only the portions identified below merit provisional sealing:

Document	Portions to Be Filed Under Seal	Parties Claiming Confidentiality
Otto Trucking’s Motion for a Separate Trial	Highlighted Portions	Defendants (highlighted in blue)
Exhibit 1 to Chatterjee Declaration – Excerpts of Deposition Transcript of Michael J. Wagner, dated September 22, 2017	Entire Document	Defendants Waymo LLC
Exhibit 3 to Chatterjee Declaration – Excerpts of Plaintiff Waymo LLC’s Supplemental Objections and Responses to Otto Trucking, LLC’s [sic] Interrogatory Nos. 1-9, dated August 24, 2017	Entire Document	Otto Trucking (highlighted in blue) Defendants Waymo LLC

1. The highlighted portions of Otto Trucking’s Motion for a Separate Trial and the entirety of Exhibits 1 and 3 to the Chatterjee Declaration contain highly confidential, sensitive business information relating to negotiations of the terms of Otto Trucking’s agreements, its corporate structure, and sensitive financial and business information. This information is not publicly known, and its confidentiality is strictly maintained. I understand that this information could be used by competitors to Otto Trucking’s detriment, including in the context of negotiating business deals. If such information were made public, I understand Otto Trucking’s competitive standing could be significantly harmed.

2. In addition, Exhibit 1 to the Chatterjee Declaration is the transcript of the deposition of Waymo's damages expert Michael Wagner, which has been designated "Highly Confidential – Attorneys' Eyes Only" and contains highly confidential information material from all parties in accordance with the Patent Local Rule 2-2 Interim Model Protective Order ("Protective Order"), which the parties have agreed governs this case (Transcript of 3/16/2017 Hearing, page 6). Pursuant to the Protective Order and subsequent stipulations, the parties have nine days to designate specific portions of the testimony as confidential or highly confidential. In the interim, Otto Trucking asks the Court to seal the entirety of the transcript. Defendants file this material under seal in accordance with Paragraph 14.4 of the Protective Order.

3. The highlighted portions of Otto Trucking's Motion for a Separate Trial and the entirety of Exhibits 1 and 3 to the Chatterjee Declaration contain information that Plaintiff Waymo LLC ("Waymo") has designated "Confidential" or "Highly Confidential – Attorneys' Eyes Only" pursuant to the Protective Order in this case. Otto Trucking states no position about whether the confidentiality designations are appropriate.

4. Otto Trucking anticipates that Waymo and Co-Defendants will file any necessary declarations to seal the above information pursuant to Local Rule 79-5.

5. Otto Trucking's request to seal is narrowly tailored to those portions of Otto Trucking's Motion for a Separate Trial and its supporting documents that merit sealing.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 29th day of September, 2017 in Menlo Park, California.

/s/ Neel Chatterjee
NEEL CHATTERJEE

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document including all of its attachments with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on **September 29, 2017**. I further certify that all participants in the case are registered CM/ECF users and that service of the publicly filed documents will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed on **September 29, 2017**.

/s/ Neel Chatterjee
NEEL CHATTERJEE